



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,639	04/15/2004	George A. Saliba	249212027600	1428

25226 7590 09/20/2006
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

EXAMINER

MERCEDES, DISMERY E

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,639

Applicant(s)

SALIBA ET AL.

Examiner

Dismery E. Mercedes

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-23, 25-34 and 36-41 is/are rejected.
- 7) ☒ Claim(s) 5, 24 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 5/28/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4,11-13, 14-15,19, 20-23,30, 31-34,36,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basham et al. (US 6,779,080) in view of Takayama (US 6,301,067).

As to Claim 20, Basham discloses a magnetic storage media drive system configured to perform operations to write data to magnetic storage media in an overwrite protected mode where previously stored data is preserved, the operations comprising: receiving a write request and associated write data from a host; determining if a storage medium is overwrite protected; and if the storage medium is overwrite protected (i.e. WORM), allowing write operations to the storage medium after previously written data, and preventing write operations prior to an EOD marker (see figs.1-2,5 and col.1, lines 36-55; col.7, lines 34-col.8, line 5). Basham fails to specifically disclose writing the write data to the storage medium followed by an EOD marker associated with the end of the write data. However, Takayama discloses such (abstract and figs.6-8,21). Therefore, it would

Art Unit: 2627

have been obvious to one of ordinary skill in the art at the time of the invention to modify the system as disclosed by Basham et al. by implementing the format as disclosed by Takayama, the motivation being to provide such system with an indication of the end of the previously written data, thus prevent overwriting the original data prior to this point.

As to Claim 21, Takayama further discloses wherein if the storage medium is overwrite protected, further comprising locating a last EOD marker on the storage medium and appending the write data after previously written data (see fig.29 and description thereof and col.3, lines 30-60).

As to Claim 22, Takayama further discloses if no EOD is present, locating a beginning of data indicator on the storage medium, and appending the write data after the beginning of data indicator (fig.7).

As to Claim 23, Basham et al. further discloses, if the storage medium is not overwrite protected, writing the write data pursuant to the write request (fig.4).

As to Claim 30, Basham et al. further discloses preventing the drive from erasing previously written data stored on the storage medium if the storage medium is overwrite protected (see col.1, lines 36-55, WORM operation allows for overwrite protection of prior data).

As to Claims 1-5,12-13 are method claims drawn to the apparatus of claims 20-23,30 and are rejected for similar reasons as set forth in the rejection of claims 20-23,30 above.

As to Claims 14-15,19, 31-34,36,41 have limitations similar as to those treated in the above rejection of claims 20-23,30 and are by the references as disclosed above.

Art Unit: 2627

4. Claims 6-10,16-18, 25-29,36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basham et al. (US 6,779,080) in view of Takayama (US 6,301,067), further in view of Christie, Jr (US 6,947,237).

As to claim 25, the combination of Basham et al. and Takayam discloses the system as claimed in claim 20, but failed to specifically disclose formatting the storage medium to be recognized as overwrite protected. However, Christie discloses such (figs.1-2 and respective description thereof). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system as disclosed by Basham et al. and Takayama, the motivation being to provide such system with a way of recognizing the tape format and preventing the drive to erase or overwrite data on the tape.

As to Claim 26, Christie further discloses wherein the media drive determines if the storage medium is overwrite protected based on a physical feature associated with the storage medium (col.3, lines 27-65, the ID of manufactures identification page of the EEPROM).

As to Claim 27, Christie further discloses wherein the media drive determines if the storage medium is overwrite protected based on a software command (col.3, lines 27-65 and fig.2).

As to claim 28, Christie further discloses wherein the media drive determines if the storage medium is overwrite protected based on drive level processing (col.3, lines 10-23, 26-65).

As to Claim 29, Christie further discloses wherein the drive determines if the cartridge is overwrite protected based on the formatting of the storage medium (see fig.2 and respective description thereof).

As to Claims 6-10 are method claims drawn to the apparatus of claims 25-29 and are rejected for similar reasons as set forth in the rejection of claims 26-29 above.

Art Unit: 2627

As to Claims 16-18, 36-40 have limitations similar as to those treated in the above rejection of claims 25-29 and are by the references as disclosed above.

Allowable Subject Matter

5. Claims 5,24,35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note: claims 5,24,35 are allowable since the prior art fails to disclose: locating a portion of the storage medium before a last EOD marker, forwarding to the last EOD marker, and appending the write data after the last EOD marker.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ro et al. (US 6,288,989); Debiez et al. (US 6,615,330); Kato et al. (US 7,016,137); Bar et al. (US 6,583,945); Braithwaite (US 5,644,444); Shih (US 5,517,599); chan et al. (US 6,755,087).

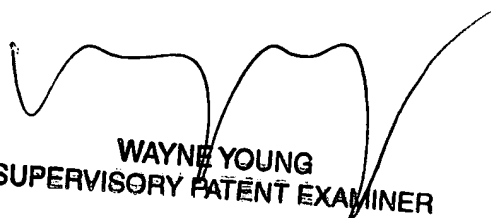
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dismery E. Mercedes whose telephone number is 571-272-7558. The examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DM



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER